



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

DAVID MCCOY  
SECRETARY

July 9, 1999

MEMORANDUM TO: J. D. Goins, PE  
David Allsbrook, PE  
Steve Varndoe, PE  
Roberto Canales, PE  
Bill Johnson  
Steve DeWitt, PE  
Bill Gilmore, PE  
Highway Design Branch Unit Heads

FROM: Len Hill, PE *Len Hill*  
Deputy Highway Administrator-Preconstruction

SUBJECT: Environmental Commitments Procedures

As you are aware, the environmental regulatory agencies have recently expressed their concern over the department's failure to execute environmental commitments that were agreed to in the planning and permitting stage of the project. Our failure to execute these commitments has caused a lack of trust with the agencies, resulted in some projects being shut down, and may result in additional formal environmental consultations which will lengthen the planning process.

In order to correct this situation and bridge communication from the planning, design, and construction phases of the project, the attached procedures and recommendations have been developed. The new procedures will be fully implemented in environmental documents that are approved after August 1, 1999.

Beginning with the October 1999 letting, the Project Development and Environmental Analysis Branch will compile a total list of environmental commitments. This list will include those commitments made during the planning and 404 permitting phase of the project. The list will be relayed to Division Construction personnel and whenever time allows will be placed in the project contract. Effective immediately, Roadway Design and Design Services personnel will begin to transmit environmental commitments with the field inspection plans. The commitments will be discussed at all field inspections.

If anyone has any questions regarding the new procedures, please contact Bill Gilmore or Debbie Barbour.

RLH/dmb

Attachment

cc: Len Sanderson, PE

COPY

## **Summary of Recommendations to Ensure Environmental Commitments are Implemented by NCDOT**

- I. Improve Communication Prior to Development of Project Commitments**
  - By consulting with appropriate unit who will ultimately be in charge of carrying out the commitment.
  - By listing the commitments in the draft document for review.
- II. Do not list standard procedures in the Project Commitments**
- III. Clearly assign responsibilities in the Project Commitments**
  - By listing the Unit or Branch that will be in charge of carrying out the commitment beside each listed commitment.
- IV. Provide a Quick-Reference for Project Commitments**
  - By placing commitments on a different color page (i.e. a green sheet).
  - By developing a final summary of commitments immediately prior to letting (to include commitments during project development and 404 permitting).
  - By establishing a new folder in Resident Engineer project files - Project Commitments
- V. Avoid Confusion Regarding Project Commitments**
  - The wording of commitments should be consistent from the EA to the FONSI or between the Draft EIS to the Final EIS.
  - Project commitments green sheets will be dated - sheets with the most recent date will be recognized as the current accepted list.
- VI. Place Project Commitments in the Project Contract. Commitments Related to Construction Activities will be Written in Contractual Language.**
- VII. Ensure Division personnel are aware of Project Commitments Prior to Project Letting**
  - By sending them a list of the project commitments with the preliminary and final field inspection plans and asking them to review those commitments that are construction related.
- VIII. Ensure the Design Services Consultant Coordination Section is Aware of the Project Commitments.**
  - By the Roadway Design Project Engineer relaying a copy of the commitments and reviewing them at project scoping meeting with PEF and Consultant Coordination
- IX. PDEA Will Establish a Review Procedure for Projects that do Not Require FHWA Consultations**

# **Recommendations to ensure environmental commitments are implemented by NCDOT**

Prepared by Debbie Barbour and Rob Hanson.  
July 1, 1999

## ***Background***

Environmental issues related to transportation improvements are growing more complex every year. In implementing projects, a wide range of environmental commitments are often required through law, permit requirements, and agreements with regulatory agencies or local governments.

Recommendations of this report are intended to help ensure commitments made during the planning and design phases are implemented. This is not to suggest NCDOT often fails to implement these commitments. However, *any* failure to implement commitments can cause difficulties with the Department's image and difficulties in implementing future projects.

In October of 1994, a final report was issued by an Environmental Commitments Task force that listed findings and recommendations regarding adherence to environmental commitments. There were several good recommendations in this report. However, very few of these recommendations were put into practice.

One finding in the 1994 report that is still very much pertinent is the statement "The lack of a comprehensive procedure to ensure accomplishment of environmental commitments is the crux of the problem of the Department not fulfilling all environmental commitments."

Not all special commitments are strictly related to environmental issues. For example, special agreements can be made with municipalities for sidewalks, lighting, landscaping, etc. Therefore, the remainder of this report will use the term "Project Commitments" to include all special commitments.

## ***What are we doing now?***

Project commitments are listed in planning/environmental documents prepared by the Project Development and Environmental Analysis (PDEA) Branch.

On Federal-aid projects, written consultations are typically prepared before authorization of right of way plans or construction plans. The consultation process includes a review of project commitments to ensure they are incorporated into the plans.

The State Contract Engineer reports that his staff is currently reviewing the project commitments to determine if special provisions are needed or if certain commitments warrant intermediate completion dates, etc.

The Roadside Environmental Unit reviews planning/environmental documents to determine any special project needs related to erosion/sedimentation control measures and landscaping.

The Geotechnical Unit conducts an initial review for hazardous materials sites on the project during the beginning of the project planning stage. They conduct another review after the project alternative is selected. The Geotechnical Unit is invited to the hearing map review meeting and is furnished plans after the grade and horizontal alignment are developed. The Geotechnical Unit did not note problems with the current process.

The Hydraulics Unit reviews planning/environmental reports for any commitments related to drainage.

The Structure Design Unit noted that they become aware of project commitments at special field coordination meetings or after being alerted during the design phase by the Roadway Design/Design Services Project Engineer.

### ***Recommendations***

#### **I. Improve communication prior to development of Project Commitments**

**Finding:** Sometimes project commitments are made without involving the appropriate unit or branch that will be responsible for carrying out the commitment. This can result in commitments that will be difficult or impractical to implement.

**Recommendation:** Before a commitment is finalized, the Project Development Engineer is responsible for reviewing it with appropriate units or branches to ensure the commitment is feasible and the responsible unit agrees with the recommendation. The commitments shall be listed in the rough draft of the planning document to ensure an opportunity for review before they are published in the approved final planning document.

#### **II. Do not list standard procedures in the Project Commitments**

**Finding:** Often, certain commitments listed in planning/environmental documents are covered by standard procedures.

**Recommendation:** Commitments should be listed that are special in nature or to a project. Commitments that relate to standard practice should not be included in the commitments section. Standard procedures include best management practices and 404 (wetland/surface water) permits.

### III. Clearly define responsibilities in the Project Commitments

**Finding:** There is not a clear line of responsibility as to who will carry out the commitments.

**Recommendation:** Beside each project commitment, an assignment will be made as to which Branch/Unit is in charge of carrying out the commitment. The project development engineer will make this assignment based on the type of commitment (see examples of areas of responsibility, page 6).

### IV. Provide a Quick-Reference for Project Commitments

**Finding:** Several NCDOT Branches/Units commented that it would be helpful if the list of project commitments were easier to find in environmental documents.

Additional commitments are often made during the permitting process. A comprehensive list of all project commitments is not currently available.

**Recommendation:** Make the page containing the list of commitments a stand-alone, different color page -- *the project commitments green sheet*.

An additional project commitments green sheet will be prepared by the PD&EA Branch Permit Specialist two months prior to letting. This green sheet will include all commitments made during project development, design, and permitting.

For quick-reference by Division personnel, a new "Project Commitments" folder will be established in the Resident Engineers' permanent project files for each project.

### V. Avoid confusion regarding Project Commitments

**Finding:** Project commitments can be repeated in several documents during project development. For example, a project may have commitments included in an Environmental Assessment, a FONSI, and in both right of way and construction consultations. Sometimes the commitments have not been consistent in these different documents. This can cause confusion and difficulty in implementing the commitments (particularly in the Proposals and Contracts Unit).

**Recommendation:** When commitments are written in a planning/environmental document, subsequent documents should restate the commitments verbatim. If there is need to change a commitment, the original commitment should be referenced and the reason for the change should be stated.

It is understood that commitments can change over time as more detailed information is developed. The date on the project commitments green sheet should be reviewed to ensure the most recent commitments are used.

**VI. Place commitments in the project contract. Commitments related to construction activities will be written in contractual language.**

**Finding:** Project commitments are made early during the project planning stage. A period of two or more years can lapse from the time the commitments are made until the project's letting date. There can be changes in construction personnel during this time and the knowledge of the commitments can be lost.

**Recommendation:** The Proposals and Contracts Unit will place project commitments in the project contract. This will ensure that both the Division personnel and the contractor are aware of the project commitments and that the commitments will be executed. In planning/environmental documents, commitments should be written so that it is clear what is expected from the unit, branch, or office that has to carry out the commitment. The Proposals and Contracts Unit can assist with writing commitments in contractual wording.

**VII. Ensure Division personnel are aware of Environmental Commitments Prior to Project Letting**

**Finding:** There is no formal procedure to ensure the Division Construction personnel are aware of the commitments.

**Recommendation:** The Roadway Design/Design Services Project Engineer will attach project commitments with the preliminary field inspection plans and the final field inspection plans. A question will be added to Roadway Design/Design Services field inspection question list, which asks for the Division's concurrence with being able to abide and fulfill the commitments that are construction, related.

Also, a question has already been added to the final plan checklist asking the Roadway/Design Services Project Engineer to review the project commitments to ensure they have been complied with or executed.

#### **VIII. Ensure the Design Services Consultant Coordination Section is aware of the Project Commitments**

**Finding:** When a project is transferred to a private engineering firm for right of way and final plan development, the commitments may be “lost” or not conveyed in the project transfer.

**Recommendation:** When the project is conveyed to a private engineering firm, a copy of the project commitments will be relayed to the Design Services Unit by the Roadway Design Project Engineer. The Roadway Design Project Engineer will discuss the project commitments with the Design Services Project Engineer and the Private Engineering firm. This discussion will be held at the NCDOT/ Private Engineering Firm’s project scoping meeting. After the project is transferred to a private engineering firm, the commitments that were previously the duty of the Roadway Design Unit will become the duty of the Design Services Unit.

#### **IX. Establish a review procedure for projects not requiring FHWA consultations**

**Finding:** On Federal Aid projects, the PDEA Branch prepares written consultations at the right of way and final plan stage of the project. The review conducted during the consultation process aids in the adherence to project commitments. However, consultations are not done for all projects. Consultations are not prepared for state-funded projects, projects processed as PCE’s and federal projects when less than one year has elapsed between prior approvals.

**Recommendation:** The PD&EA engineer will review the 12-month letting list and 6-month right of way list for projects assigned to him/her. On a schedule similar to existing FHWA consultation procedures, project development engineers will review project commitments to ensure they are being implemented. The letting and right of way lists will be reviewed to ensure all projects have an accurate engineer assignment.

The following should be recognized for their contributions to this report: Victor Barbour, Greg Smith, Hal Bain, Gordon Cashin, Randy Wise, Don Lee, Bob Kapetski, Charles Tomlinson, Bruce McLamb, Dan Duffield, Don Goins, Charles Bruton, David Chang, Richard Davis, Lubin Prevatt, Teresa Hart, Gail Grimes, Jay Bissett, Linwood Stone, Eric Midkiff, Wayne Elliott, and Cindy Sharer.

## **Responsibilities for Project Commitments**

The following are examples of typical project commitments and the Branch/Unit responsible for implementation.

### **▪ PD&EA**

Historic Property Commitments

Endangered Species Surveys

Wildlife Crossings (PDEA initiates any necessary meetings to discuss these crossings)

Archaeological surveys

### **▪ Roadway Design**

Alignment requirements (avoidance of historic properties, wetlands, etc.)

Noise walls

Bicycle accommodations - wide outside lanes, striped bike lanes

Medians

Sidewalks

Special guardrail treatments

### **▪ Structure Design**

Special design features on bridges or culverts

### **▪ Hydraulics**

Hazardous spill catch basins at strategic locations

Restrictions on bridge deck drains over environmentally sensitive waters

Special culvert designs for pedestrians or wildlife passage

Natural channel design for relocated streams

### **▪ Division**

Contacting resource agency and PDEA personnel (during scheduling of preconstruction conference, prior to beginning of contractor work, etc).

Confining times of construction

Restrictions on construction methods

Areas that construction equipment cannot enter

### **▪ Roadside Environmental Unit**

Landscape commitments

High Quality Water erosion and sedimentation control measures



## Environmental Commitments - Attachment for PD&EA Branch

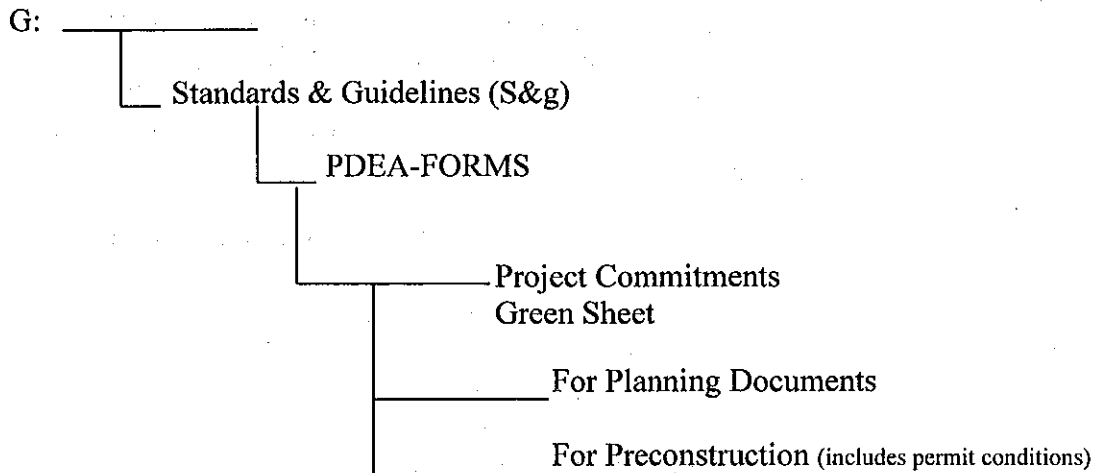
This attachment includes additional details on implementing new PD&EA procedures related to project commitments (reference the report *Recommendations to ensure environmental commitments are implemented by NCDOT*, July 1, 1999).

### Clarification on *Recommendation II* - Do not list standard procedures in the list of project commitments:

At a June 16, 1999 meeting involving Project Development Unit Heads, concern was expressed that permit requirements would now not be included in the list of project commitments (especially for bridge replacement CE's). It was suggested permits could be included in the CE summary in a Permits subheading rather than in Project Commitments.

### Clarification of the project commitments green sheet (*Recommendation IV*):

Example green sheets have been prepared (see attached examples). These examples are available on the G: Drive at



These examples are saved in a Read Only format. You may copy them to your hard drive and make revisions based on your project.

What if there are no special commitments?

On standard documents (CE, EA, FONSI, DEIS, FEIS, ROD), include a project commitments green sheet with the note "No special project commitments are required."

Should project commitments green sheets be included in PCE and State Minimum Criteria documents?

These documents, by definition, are intended to be minimal in length. Therefore, project commitments green sheets should be included only if there are special commitments involved.

To accurately print green sheets in planning documents, what does the DOT print shop (Reproduction) want?

Place a post-it note, or otherwise specify the page(s) to be printed in green. Specify the green page(s) on the work order form. Remember to include any blank pages required for double-sided copying. To ensure accuracy, a sample document already assembled will help.

Green sheet to be distributed by natural systems specialists:

This is a complete list of project commitments resulting from project development, design, and permitting. It will be labeled "Preconstruction" in the footer.

Natural systems specialist obtains the list of project commitments developed through project development and design from the construction consultation form. If no consultation was prepared, the project development engineer forwards a list of commitments to the natural systems specialist. The natural systems specialist will then add special permit commitments to this list.

Distribute this green sheet upon receipt of the permit to the following:

Highway Design Branch Manager  
Roadway Design Unit Head  
Design Services Unit Head  
Hydraulics Unit Head  
Structure Design Unit Head  
State Contract Officer  
Roadside Environmental Unit Head  
Division Engineer  
State Construction Engineer  
Involved Natural Resource Agencies (natural resource agencies requested copies of this green sheet when commitments have been made relating to their agency)

**Details on the review procedure for projects that do not require a FHWA consultation (*Recommendation IX*):**

The project development engineer reviews the status of environmental commitments to ensure they have been incorporated into the right of way and construction plans.

**FHWA consultation required?**

Review of project commitments is part of consultation procedure (this is already standard practice).

**FHWA consultation not required?**

Project development engineer reviews project commitments to see that they have been incorporated into the design (on same schedule as right of way and construction consultations).

Project development engineer documents the review of commitments on the Consultation Status Report by placing the review date in the Commitment Review column. See example new CSR form.

Project development engineer writes a file memo documenting the review of commitments.

After reviewing construction plans, the project development engineer forwards a copy of the list of project commitments to the natural systems specialist (not required for projects with FHWA consultations since the consultation form will accomplish this).

**Details on writing commitments related to construction activities in contractual language (*Recommendation VI*):**

A standardized list of typical commitments related to construction activities will be prepared and written in contractual language. This list will be prepared with the assistance of the State Contracting Officer and will be distributed to Project Development Engineers and Natural Systems Teams

**How will these new procedures be phased in?**

The procedures will become effective on August 1, 1999. Some "phasing in" of the procedures will be needed for projects already underway. For example, a project may have an approved FONSI that includes standard procedures in a list of environmental commitments. Should the construction consultation revise the

list of commitments to remove standard procedure? For consistency in these cases, standard procedures can be included in project commitments of the consultation and include the note "This is a standard NCDOT procedure."

cc: Asst. Managers



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

DAVID MCCOY  
SECRETARY

MEMO TO: Roadway Design Project Engineers

FROM: Debbie Barbour, PE *Debbie Barbour*

DATE: July 8, 1999

SUBJECT: Environmental Commitments

As we discussed at our recent staff meeting, we will begin to transmit the list of environmental commitments from the planning document with all field inspection plans. The commitments should also be discussed at field inspection to ensure that field personnel can execute those commitments that are construction related. If it is determined that a commitment cannot be executed, the appropriate project planner should be notified. A modification to the commitment will then be pursued with the agencies.

The field inspection form letters have been revised as shown in the attachment. The environmental commitments should be relayed with all field inspection plans effective with the date of this memo.

This procedure is being implemented to ensure that commitments are properly executed. This procedure will not only familiarize the Division personnel with the commitments, but will also serve to remind us of the design related commitments.

By copy of this memo to Charlie Casey, I am also requesting that the Engineering Consultant Coordination Section follow these same procedures. If anyone has any questions, please let me know.

DMB

Attachments

cc: Len Hill, PE  
Bob Brown, PE  
Bill Gilmore, PE  
Charlie Casey, PE  
John Alford, PE



MEMO TO: Division Engineer  
 Area Construction Engineer  
 Bill Rogers, PE  
 Jimmy Lynch, PE

Division R/W Agent  
 Area Geologist  
 Archie Hankins, PE  
 Bill Johnson

FROM: \_\_\_\_\_  
 Project Engineer

DATE: \_\_\_\_\_

SUBJECT: Project \_\_\_\_\_ (\_\_\_\_) \_\_\_\_\_ County  
 F. A. Project \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Preliminary/Combined) Field Inspection

We have completed the preliminary plans for the above project and would like to review them in the field with all personnel involved.

In accordance with \_\_\_ (Div. Const. Eng.) \_\_\_ the field inspection will be held at \_\_\_\_\_ (Date & Time) \_\_\_\_\_ at \_\_\_\_\_ (Location) \_\_\_\_\_.

Attached is a list of the environmental commitments that were developed during the planning stage of the project. Review these commitments to ensure all construction related commitments can be properly executed. Under separate cover, we are forwarding three sets of Roadway plans to the Division Engineer.

(OPTIONAL: I request the Division Engineer contact the proper city officials and furnish them a set of plans for their use in the field inspection.) In this case, change the above number of plans from three to four.

Attachment

cc: Calvin Leggett, PE, Acting  
 Charles W. Brown, PE, RLS  
 Chris Stafford  
 John Ledbetter, Jr., PE  
 Laurie Smith  
 David Smith, PE  
 Wendi Oglesby, PE  
 FHWA Area Engineer  
 DEHNR Regional Engineer  
 MPO Contact

Debbie Barbour, PE  
 Greg Fuller  
 Bill Moore, III, PG  
 John Williamson, Jr.  
 Area R/W Appraiser  
 Stuart Bourne, PE  
 Area Traffic Engineer  
 Vickie Durham  
 Gordon Cashin

MEMO TO: Division Engineer  
 Area Construction Engineer  
 Bill Rogers, PE  
 Jimmy Lynch, PE

Division R/W Agent  
 Area Geologist  
 Archie Hankins, PE  
 Bill Johnson

FROM: \_\_\_\_\_  
 Project Engineer

DATE: \_\_\_\_\_

SUBJECT: Project \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_ County  
 F. A. Project \_\_\_\_\_  
 \_\_\_\_\_

#### Final Field Inspection

Before completing the final plans for this project, we would like to review them in the field with all personnel involved.

In accordance with \_\_\_\_\_ (Div. Constr. Eng.) \_\_\_\_\_, the field inspection will begin at \_\_\_\_\_ (Time & Date) \_\_\_\_\_ at \_\_\_\_\_ (Location) \_\_\_\_\_. I request that each of you attend this meeting or have a representative attend for you.

→ Attached is a list of the environmental commitments that were developed during the planning stage of the project. Review these commitments to ensure all construction related commitments can be properly executed.

(OPTIONAL: I request the Division Engineer contact the proper city officials and furnish them a set of plans for their use at the field inspection.)

This project is scheduled to be let \_\_\_\_\_; therefore, all data should be submitted to this office prior to \_\_\_\_\_.

Under separate cover, we are forwarding three sets of Roadway plans to the Division Engineer.

\_\_\_\_\_/\_\_\_\_\_  
 Attachment

cc: Calvin Leggett, PE, Acting  
 John Williamson, Jr.  
 Charles W. Brown, PE, RLS  
 Greg Fuller  
 Laurie Smith  
 Gary Jessup  
 FHWA Area Engineer  
 DEHNR Regional Engineer  
 MPO Contact

Debbie Barbour, PE  
 Bill Moore, III, PG  
 Chris Stafford  
 Stuart Bourne, PE  
 Area Traffic Engineer  
 Area R/W Negotiator  
 David Smith, PE  
 Wendi Oglesby, PE




STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

DAVID MCCOY  
SECRETARY

December 3, 1999

MEMORANDUM TO: Project Development Engineers  
FROM: Rob Hanson   
SUBJECT: Environmental Commitments Procedures – More Details

Several months ago, I distributed a report detailing new procedures to ensure NCDOT's environmental commitments are properly implemented. Since then, I received comments from various people in our Branch and others. This memo supplements the procedures I distributed in July based on comments I received.

**Please note** – this is only a supplement; refer to the July, 1999 report and attachment for the majority of new responsibilities.

*Consultations*

- Include a project commitments green sheet (see attached example).
- Assign the responsible Branch/Unit to each commitment.
- If there is any potential for difficulties in implementation, contact the responsible Branch/Unit to ensure they are prepared to implement the commitment.
- Format – restate commitments from environmental document and any commitments developed during design. The current status of each commitment should be state below each commitment.

*Projects not requiring consultations*

- On same schedule as if consultation was required, review status of commitments and write file memo. The file memo lists the commitments and the status of each.
- For the file memo prepared prior to letting, provide a copy to natural systems specialist.
- Identify the responsible Branch /Unit for each commitment.
- If there is any potential for difficulties in implementation, contact the responsible Branch/Unit to ensure they are prepared to implement the commitment.
- An example file memo is attached.

If you have any questions regarding these procedures, please let me know.

RPH

Attachments





**SAMPLE**

*File memo prepared after project  
commitment review. This project did not  
require a consultation.*

STATE OF NORTH CAROLINA  
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JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

DAVID MCCOY  
SECRETARY

August 11, 1999

MEMORANDUM TO: File

FROM: Bryan Kluchar, Project Development Engineer  
Project Development and Environmental Analysis Branch

SUBJECT: Commitment Review for US 64 Bypass, From SR 1100 (Phillips Road) to  
NC 69, Hayesville, Clay County, State Project No. 6.921002, T.I.P.  
Project No. R-2703

The purpose of this memo is to review and update project commitments identified in the State Environmental Assessment (SEA) dated March 27, 1996 and the State Finding of No Significant Impact (SFONSI) dated September 19, 1996.

**Update Conclusion**

The previous environmental commitments will not affect the proposed construction of the project. In addition, there are no conflicts associated with the latest Threatened and Endangered Species list. However, the subject project is currently delayed because it is combined with the A-0011BA project which requires additional time to identify a mussel species located in the project area. If the mussel is a federally protected species, Section 7 Consultation with the US Fish and Wildlife Service will be required on A-0011BA.

**Commitments Identified in Environmental Documents**

Two Environmental Commitments were identified in the SEA and SFONSI.

1. The first commitment relates to underground storage tanks at three service stations in the project area. The commitment is as follows:

*Roadway Design Unit/Geotechnical Unit*

Three service stations are located within the project area with underground storage tanks (UST's) at each location. The proposed improvements are not anticipated to require the acquisition of additional right of way in the area of the UST's. If it is determined that right of way will be acquired in these areas, preliminary site assessments for soil and groundwater contamination will be performed prior to right of way purchase. If contaminants are located on the proposed right of way, the current landowner or the North Carolina Department of Transportation (NCDOT) will take appropriate action to decontaminate the area.

In order to determine the status of the Environmental Commitment, the UST's at the three service stations were identified on the roadway design plans. According to the design plans, the location of the proposed right of way, cut and fill sections, and easements will not impact the UST's at the three service stations identified in the SEA and SFONSI.

2. *Roadside Environmental Unit*

The second commitment refers to NCDOT's "Best Management Practices for the Protection of Surface Waters and Sedimentation Control Guidelines".

Best management practices are standard procedure

**Threatened and Endangered Species Update**

The current Clay County Threatened and Endangered Species List, prepared by the US Fish and Wildlife Service, was used to determine species changes since the SEA and SFONSI were completed. The protected species list removes the Virginia spiraea (*Spiraea virginiana*) that was previously listed as Threatened in 1996. The current list also adds the Threatened Due to Similarity of Appearance, Bog turtle (*Clemmys muhlenbergii*). This species has no federal protection and is not biologically endangered or threatened. Therefore, the species list has been updated and there are no Threatened and Endangered Species conflicts associated with R-2703.

An unknown Mussel species has been located in the A-0011BA project area. The mussel species is delaying R-2703 because the project is combined with the A-0011BA project. Results of the Mussel DNA investigation should be available in December 1999. If the mussel is a federally protected species, then Section 7 Consultation with the USFWS will be required for the A-0011BA project. The R-2703 project area does not contain the mussel species in question.

BK

cc: Alice Gordon

North Carolina Department of Transportation  
**PROJECT ENVIRONMENTAL CONSULTATION FORM**  
 I.D. No. R-2417BA

**I. GENERAL INFORMATION**

- a. Consultation Phase: Right of Way
- b. Project Description: US 421-NC 87 Sanford Bypass, from east of US 1-15-501 to east of SR 1521
- c. State Project: 8.T540402  
 Federal Project: STPNHF-421(2)
- d. Document Type: FONSI 8-25-97  
Date

**II. CONCLUSIONS**

The above environmental document has been reevaluated as required by 23 CFR 771. It was determined that the current proposed action is essentially the same as the original proposed action. Proposed changes, if any, are noted below in Section III. It has been determined that anticipated social, economic, and environmental impacts were accurately described in the above referenced document(s) unless noted otherwise herein. Therefore, the original Administration Action remains valid.

**III. CHANGES IN PROPOSED ACTION AND ENVIRONMENTAL CONSEQUENCES**

A culvert was proposed in the environmental document for the Little Buffalo Creek crossing. Since completion of the FONSI, the design at this crossing has changed. The proposed bridge over the CSX Railroad has been extended to cross Little Buffalo Creek, as well. This design change will reduce project stream impacts by approximately 650 feet.

The City of Sanford has proposed a greenway along Little Buffalo Creek since completion of the environmental document for the project. The proposed bridge over Little Buffalo Creek will accommodate the greenway. The City expects to begin right of way acquisition for the greenway in the near future. The City has agreed not to purchase land required for the proposed bypass but will obtain an easement from NCDOT following acquisition of right of way required for the bypass.

The property boundaries for San-Lee Park were incorrectly shown on the preliminary mapping for the project. A minor adjustment in the alignment for the bypass has been required in order to avoid the park. This change in the project design will not affect additional wetlands or require the relocation of additional homes or businesses.

Temporary detours are proposed at the crossings of SR 1002, SR 1509, and SR 1521 with the proposed bypass. These detours are located in areas examined during environmental studies for the project and will not affect any additional wetlands or require the relocation of additional homes or businesses.

The environmental document for the project recommended 3 meter (10-foot) paved shoulders on the outside of the proposed bypass. Currently, 1.2 meter (4-foot) paved shoulders are recommended on the outside of the proposed bypass.

IV. LIST OF ENVIRONMENTAL COMMITMENTS

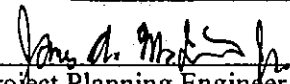
See attached list of Project Commitments.

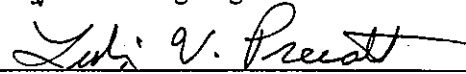
V. COORDINATION

Project Development and Environmental Analysis Branch personnel have discussed current project proposals with others as follows:

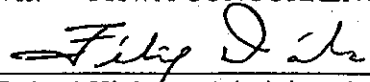
Design Engineer:	<u>Jay Bennett</u>	<u>10-18-99</u> Date
FHWA Engineer:	<u>Felix Davila</u>	<u>10-18-99</u> Date
Permits Section:	<u>Eric Black</u>	<u>10-18-99</u> Date

VI. NCDOT CONCURRENCE

  
Project Planning Engineer 11-30-99  
Date

  
Project Development and Environmental Analysis Branch  
Manager 11-30-99  
Date

VII. FHWA CONCURRENCE

  
Federal Highway Administration 11/30/99  
Division Administrator Date




STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JAMES B. HUNT JR.  
GOVERNOR

P.O. BOX 25201, RALEIGH, N.C. 27611-5201

DAVID MCCOY  
SECRETARY

December 3, 1999

MEMORANDUM TO: Natural Systems Teams  
FROM: Rob Hanson   
SUBJECT: Project Commitments Green Sheet – More Details

Several months ago, I distributed a report detailing new procedures to ensure NCDOT's environmental commitments are properly implemented. Since then, I received comments from various people in our Branch and others. This memo supplements the procedures I distributed in July based on comments I received.

**Please note** – this is only a supplement; also refer to the July, 1999 report and attachment for new responsibilities.

*Project Commitments Green Sheet*

When is it sent?

Green sheet is sent when permit is in.

A reminder of general permit conditions has been added. Due to concern that routine conditions may get overlooked, permit specialists will add a note that general conditions (not included on the green sheets) must also be followed. An example is attached.

Where is it distributed?

Green sheet will be attached to permits. This will cover distribution to the following:

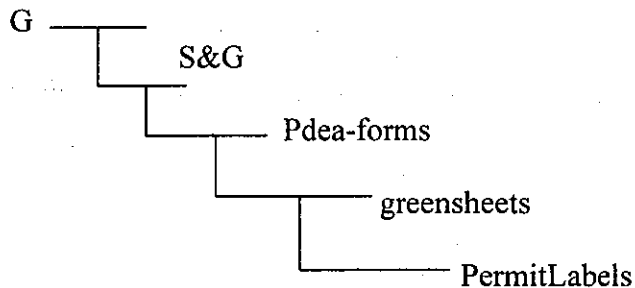
- State Design Engineer
- State Roadway Design Engineer
- Hydraulics Unit Head
- State Bridge Design Engineer
- State Contract Officer
- Roadside Environmental Unit Head
- Division Engineer
- State Construction Engineer

In addition, Natural Systems Specialists will need to distribute green sheets to the persons listed below who are not covered by the permit distribution. A computer

form has been prepared by Antoine Hall to assist with this distribution.

- \* [ State Design Services Engineer  
State Traffic Control Engineer  
State Construction Engineer  
Area Roadside Environmental Engineer  
Area Roadway Construction Engineer  
Area Bridge Construction Engineer
  
- \*\* [ Resident Engineer (look up on mainframe)  
Resource Agency Personnel (at discretion of natural systems specialist)  
Division Environmental Officer (if applicable)  
PDEA Project Development Engineer

The computer form is available at the following location:



Simply feed a mailing label sheet into the laser printer. On the computer screen, enter your name and the Division number. Addressees with a [\*] will automatically appear. Addressees with a [\*\*] will need to be determined by the natural systems specialist and entered onto the computer form.

Further explanation of the computer form for labels is attached.

If you have any questions regarding these procedures, please let me know.

RPH